

was sworn to fix the date of certain letters written to him by Harry Thaw subsequent to the revelations Miss Nesbit had made to him in Paris.

Great Throng Present.
The announcement that either the mother or wife of Harry K. Thaw would be the principal witness at today's proceedings brought out an unusually large crowd at the criminal court building. The corridors were filled and scores of persons, many of them women, tried every possible way to force themselves by the officers at the courtroom doors, but after yesterday's fiasco the bars were put up again and very few were allowed to pass. However, half a score of women managed to succeed.

Justice Fitzgerald had just taken his seat upon the bench when Mr. Delmas of Thaw's counsel requested the clerk to call Mrs. Evelyn Nesbit Thaw.

The familiar figure in blue, now for the first time without her veil, appeared from the judge's chambers. She stood near the jurybox as Clerk Penny administered the oath.

"I swear," repeated Mrs. Thaw in an audible voice, at the end of the formal declaration.

Mrs. Thaw took her place in the witness chair calmly. She looked steadily ahead at Mr. Delmas and gave her answers to his first questions in a clear and firm voice, which was soft in quality.

Smiles Faintly at Husband.
Harry Thaw smiled at his wife as she walked to the witness stand but she apparently did not see him at the moment. After she was seated, however, she smiled faintly at the prisoner.

Mrs. Thaw's beauty seemed heightened by the simplicity of her dress. In the excitement of testifying her pale face of the past two weeks had before a rush of crimson tints in her cheeks.

In answer to Mr. Delmas's first question, Mrs. Thaw said she was born November 25, 1884. She told of going to the cafe Martin to dinner the evening of June 25, with her husband and Thomas McCaleb and Truxton Beale.

"While you were at the cafe Martin did you see Stanford White?"
"Yes."

"At what time did you see him?"
"I don't know. It was some time after we arrived."

"Where did you first see him?"
"Coming in at the Fifth Avenue entrance."

"How long did you see him?"
"I don't know. He passed through and went onto the balcony."

"Did you see him leave the balcony?"
"Yes."

Tells of Writing Note.
"While you were in the cafe Martin did you call for a pencil?"
"Yes."

"From whom?"
"I think Mr. McCaleb. He said he did not have one."

"Did you ask again for a pencil?"
"Yes. I got one from some one."

"Did you write a note?"
"Yes."

"On what?"
"A slip of paper."

"What did you do with it?"
"I passed it to Mr. Thaw."

"What did Mr. Thaw do?"
"He said to me, 'Are you all right?'"

"After this how long did you remain?"
"Only a short time."

"Mrs. Thaw, have you that slip of paper now?"
"I have not."

"Did what you wrote refer to White?"
"Mr. Jerome objected."

"After you left the restaurant, you went to the Madison roof garden," asked Mr. Delmas.

"Yes."

"About what time was it?"
"About the middle of the first act."

Sat With Her Husband.
Mrs. Thaw said she sat in the seats with Mr. Beale and Mr. McCaleb. Her husband went to the back of the theater. She said: "He was away about fifteen minutes and when he returned he took a seat beside me."

"How long did he remain at your side?"
"About half an hour."

"What was his manner then?"
"It seemed to be about the same as ever."

"Who suggested going away from the garden?"
"I don't know."

"The play was not interesting to you?"
"Not a bit."

"How did you start when you went out?"
"I think that Mr. McCaleb and I were in the lead and Mr. Thaw and Mr. Beale followed."

"How far had you gone when something happened?"
"Almost to the elevator."

"How far were you from Mr. White then?"
"About as far as the end of the jury box."

"You saw Mr. White sitting there?"
"I did."

"Did you see Mr. Thaw then?"
"Not until a minute or so afterward."

"Did you hear shots fired?"
"Yes, immediately after I saw Mr. White. I heard the shot and I saw him."

"What did you say?"
"I said to Mr. McCaleb: 'I think he has shot him.'"

"Did Mr. Thaw come over to where you were?"
"Yes. I asked him what he had done. He leaned over and kissed me and said, 'I have probably saved your life.'"

"What happened then?"
"I left."

"You were taken from there?"
"Yes."

"You left and did not return?"
"Yes."

"You said that you are the wife of the defendant?"
"Yes."

"When were you married?"
"On April 4, 1905."

"Where?"
"In Pittsburg, at the residence of Dr. McEwen, pastor of the Third Presbyterian church."

"Who were present?"
"I think Mr. Thaw, Mr. Thaw's brother, the witness went on, after a moment."

"When had Mr. Thaw proposed for the first time?"
"In June, 1903, in Paris."

"At the time did you refuse him?"
"Yes."

"Were the reasons of your refusal based on an event in your life with which Mr. White was connected?"
"Objection was sustained."

"Did you state in explaining your refusal that it had something to do with Stanford White?"
"Yes."

"State what happened?"
"Mr. Thaw told me that he loved me and wanted to marry me. I stared at him for a moment and then he said: 'Because of Stanford White.'"

"Don't you care for me?" And I said

that I did. He asked me what was the matter. I said 'Nothing.' Why won't you marry me?' he said. He put his hands on my shoulder and asked: 'Is it because of Stanford White?' and I said 'Yes.' Then he told me he would never love any one else or marry any one else. I started to cry. He said he wanted me to tell him the whole thing. Then I began to tell him how I first met Stanford White.

"He kind enough to remember you are to tell me," said Mr. Delmas, "in relating the narrative of what you told Mr. Thaw, the name of any other person save that of Mr. White. Now continue."

"A young lady asked my mother several times to let me go out with her to lunch. She came again and again to see me. I sent her to my mother, and she said 'All right.'"

"On the day I was to go my mother dressed me and I went with Miss —, the other young lady, in a hansom, hoping we would go to the ballroom, because the young lady said she had been brought down Broadway through Twenty-fourth street, up to a dingy-looking door. The young lady jumped out and asked me to follow her."

"By the way, what was the date of that event?" asked Mr. Delmas.

"I don't know, I can remember, it was in August, 1901."

"You were then 16 years old?"
"Yes."

"Your mother dressed you to go?"
"Yes."

"Must caution you to tell only what you saw?"
"I will," said the witness.

First Step Toward Downfall.
"The dingy door opened, nobody seeming to open it. We went up some steps to another door which opened to some passage. I stopped and asked the young lady where we were going and she said 'It's all right.' A man's voice called down 'Hello.'"

"Did you see the man then?"
"No."

"When did you go to the top of the stairs?"
"Who was it?"

"It was Stanford White."

"What table set for four?"
"A table set for four."

"Is this all what you told Mr. Thaw?"
"Yes."

"It was," replied the witness. "I told him everything."

"Did you halt in the testimony while Mr. Jerome and Mr. Delmas whispered?"
"How were you dressed?" asked Mr. Delmas.

"I wore a short dress with my hair down my back."

"The witness said they went up into another room, where a big Japanese umbrella was swinging."

Told Her Mother All.
The witness said that afterwards they went for a drive to the park and returned to the house with Mr. White. She said when she got home she told her mother everything that happened.

"Did your mother subsequently receive a letter from Stanford White?"
"Yes."

"What was in the letter?"
"It asked my mother to call on Mr. White at No. 160 Fifth Avenue."

"When your mother returned did she tell you anything?"
"She did."

"What did your mother tell you?"
"That she asked her to take me to a dentist and have my teeth fixed and for her to have her own fixed, too. She said, 'No,' that was a very strange thing. Mr. White told her that he did that for the other girls."

"When did you see White again?"
"I went to the studio in Madison Square tower. We had a very nice time there. Mr. White said I was only to have one glass of champagne and that I was to be brought home early. I was brought home early to the door of my house. I told Mr. Thaw that we had several parties of this kind in the tower."

"Did you see Mr. White again?"
"Yes."

White Would 'Take Care' of Her.
"Yes, he came to see my mother, told her that I would be all right in New York and that he would take care of me."

"Mrs. Thaw said she met White in September, 1901, in a studio in East Twenty-second street. The door opened of itself, and the house looked as if it were though no one lived there. She said that she went upstairs and met Mr. White, a photographer and another man."

"What did you see there?"
"There were a lot of expensive gowns there."

"What happened?"
"I went into the dressing-room to put on the dress. Mr. White knocked at the door and asked if I needed any help. I said 'No.'"

"She related her experience in the studio, and said she had posed until she was tired and that White, who was in the room, ordered food. The photographer had left, and after they had lunched she went into the dressing-room to remove her kimono and dress."

"I shut the door while I was inside. Mr. White came to the door and asked if I needed any help. I said 'No.'"

"She testified that she drank but one glass of champagne, and when she dressed she got into a carriage and was taken back to the hotel."

Was Alone With White.
"The next night I got a note from Mr. White asking me to come down to the studio for a luncheon after the theater with some of his friends. I went to the Twenty-fourth street studio again and found Mr. White and no one else there. What you think I did was to me, the others have turned up down."

"Then I told him I had better go home, and he told me that I had better stay down and have some fruit. I took off my hat and coat. Mr. White told me he had other floors in the garden and that I had better go to his place."

"So he took me up some stairs to the floor above, where there were very beautiful decorations, and a piano. I played for him and he took me into another room. That room was a bedroom. On a small table stood a bottle of champagne and some fruit. I took off my hat and just one glass for me, and I paid no attention to it. Mr. White went away, came back and said: 'I decorated this room myself. Then he asked me why I was not drinking my champagne, and I said I did not like it. He said it was not my fault, that no one could blame me and that I was only an unfortunate girl and that he did not think any the less of me.'"

"A few moments after I had drunk it there began a pounding and thumping in my ears and the room all got black."

"Mrs. Thaw was almost in tears at this statement."

"When I awoke my clothes had all been taken off me. I started to scream. Mr. White got up and threw a kimono on me. As I sat up I saw mirrors all around me. I began to scream again and Mr. White asked me to keep quiet, saying that it was all over."

Oried All the Night.
"When I threw the kimono over me he left the room. I screamed harder than ever. I don't remember how I got my clothes on. He took me home and I sat up all night, crying."

"Where was Mr. White when you recovered?"
"He was upon the bed, beside me, undressed."

"What did he say afterward?"
"He made me swear that I would never tell anybody about it. He said there was no use in talking, and the greatest thing in the world was not to get found out. He said the girls in the theaters were foolish to talk. He laughed afterwards."

"Was Mr. Thaw excited when you told him these things?"
"Yes, he was excited, and walked up and down the room. We sat up all night. He said it was not my fault, that no one could blame me and that I was only an unfortunate girl and that he did not think any the less of me."

"Did he offer to marry you again?"
"Yes, and I told him that if I did marry him the friends of Stanford White would laugh at him and at me, as they suspected our relationship, if they did not know."

The witness told Thaw that it would not be well to marry owing to his family."

Women Moved to Tears.
Mrs. Thaw recovered her composure after she got over the sensational part of the story. Many of the women in the

courtroom were crying, and the most intense silence prevailed.

Mrs. Thaw said she had told Thaw about her early life with her mother and her financial difficulties. The money she earned as an artist's model she gave to her mother. That was their only means of support.

"Finally I met Mr. Carroll Beckwith, the artist, who was a friend of my mother. He was a very kind man, and he engaged me to pose for him, sometimes twice a week. He gave me letters of introduction to other well-known artists and I posed for them."

"Did you tell Mr. Thaw all this?"
"Yes."

"How many times had you seen him between then and 1903?"
"I had only seen him once in the meantime."

"Were you ill during any of this time?"
"Yes, I had to go to a hospital."

"When you saw Mr. Thaw in 1903, did you tell him about going to school?"
"I told him that Mr. White had sent me to school."

The witness told of her sickness and the operation to which she was obliged to submit, and of Thaw's kindness to her at that time, which was early in 1903. After her recovery Thaw arranged the European trip for the witness and her mother.

Here reference was made to a letter that Thaw wrote the witness while she was abroad, and Mr. Delmas sought to introduce it as evidence.

Mr. Jerome objected.

"What is the relevancy of the letter?" asked Justice Fitzgerald.

"It contains direct reference to the statement made by the witness to Mr. Thaw and is a confession of the effect upon the mind of Mr. Thaw of the statements so made," replied Mr. Delmas.

It was proper to admit the statement of Mr. Thaw after the shooting, he has ruined my life," argued Mr. Delmas. It is not proper to admit a statement made after the defendant had learned facts to show what the effect of them was upon his mind."

Mr. Delmas said that he did not have his authorities at the moment.

It was then 12:25 and Mr. Delmas asked for an adjournment until 2 o'clock.

Afternoon Session.
The courtroom was crowded to its utmost capacity this afternoon. Several extra rows of chairs had been put in place. The only place in the courtroom not invaded by the crowd was the judge's box.

Roger O'Mara, head of a detective force employed by the defense, had a fitting opportunity to examine this witness during the recess. Afterward O'Mara went up with the Countess of Yarmouth.

Former Judge William K. Olcott, who was the first counsel engaged for Thaw in his defense, appeared during recess and conferred with Mr. O'Mara.

He was told that it was understood that Mrs. Evelyn Thaw had made a statement in regard to her relations with White and with Thaw to Judge Olcott when the trouble first came up. Judge Olcott was asked to present the signed statement if it were in existence, or to be ready to testify if he were wanted.

Mr. Delmas was about to renew his argument for the production of the letter, when Mr. Jerome asked for the letter, which he had just received from the Countess of Yarmouth.

Letter That Thaw Wrote.
"Mrs. N. insisted sailing New York when her daughter left. I kept Mrs. N. in London three months, cost over \$1000. Mrs. Nesbit sails tomorrow for New York. She thinks I kidnaped her 17-year-old daughter. Before she leaves she will know that I have always done the best I could. The child cannot be with her mother, because when she was 15 years old she was married to a man who is now dead. Don't worry, but find out her address. Telephone Mrs. N., but not in your name. Ask her to send me her address. As soon as she answers hang up the phone."

On a slip of paper enclosed was written: "If you cannot read this don't worry. Please telephone her inco and wire me at my expense."

The letter was signed "H. K. T." Mr. Delmas offered another letter written by Mr. Thaw. Mr. Jerome objected on the ground that there was nothing to indicate its date.

Mr. Delmas declared that the letter was admissible as tending to show a state of mind of which the witness testified.

"Suppose it should have been written yesterday," suggested Justice Fitzgerald. "I think it would be admissible," replied Mr. Delmas.

"As showing that the defendant is now insane," quickly interposed Mr. Jerome.

"Ask him," said Mr. Delmas, "the night of June 26, 1905," said Mr. Delmas.

Is Thaw Now Insane?
Justice Fitzgerald sustained the objection.

"If the claim is that the defendant is now insane, the letters are admissible," remarked Mr. Jerome.

Mrs. Thaw was shown one of the letters and asked "Was this letter written on June 26, 1905?"

Mr. Jerome objected on the ground that Mrs. Thaw was not qualified to express an opinion.

The court sustained the objection.

In response to questions by Mr. Delmas, Mrs. Thaw testified that she returned from Europe in 1903, which preceded the return of Mr. Thaw. She said that she brought a letter from Thaw to Mr. Longfellow, which she delivered. She first saw Thaw a month after his return at the hotel where she was stopping. She asked him what he had heard and I said: 'I have been told that you took a girl and put her in a bathtub and poured scalding water on her. I also told him I heard he took morphine.'

"Did you tell Thaw who told you those stories?"
"Not at first. Later I told him a friend of Mr. White told me."

Scandal in Thaw's Life.
He shook his head sadly and said: "Poor little Evelyn, I see they have been making a fool of her. I told him that Mr. White had taken me to Abe Hummel's law office and had shown me papers in a suit in which a girl had made charges against Thaw."

"How long did the interview last?"
"About ten minutes."

"What did Mr. Thaw do on leaving?"
"He kissed my hand and said he did not care what I did, that I would always be his."

Will solve the problem when a coffee-drinker is ailing.

POSTUM

10 days.

"There's a Reason."

be his little angel."

"Did he often call you angel?"
"Nearly always."

Mrs. Thaw said she met Harry several weeks later on the street. "He came up to me," she said, "and said 'I was looking badly. I told him I had not been well. He told me I should not put rouge on my cheeks as it was not becoming to a girl of my type. I said I had put some on because I was so pale. I then met him on the street one day, but he only looked at me and went on his way. I met him again a few days later with the same girl at the same restaurant. He asked me to tell him all about the stories. I told them all, the story of the girl in the bathtub, of tying a girl to the bedpost and whipping her, and I told him all the stories that friends of Mr. White had told me; that Mr. Thaw took morphine and that it was while he was under the influence of morphine that he did those awful things."

Thaw Said He Was Slandered.
"He said he understood why these stories had been told by White and the men who told them. He asked me if I ever saw him take morphine and I said I had not, and that I had told Mr. White that I never saw him with a hypodermic syringe."

After that I saw Mr. Thaw often. One day I found him at a hotel one night and hearing screams in a room; he broke in and said he found Mr. Thaw whipping a girl who was tied to a bed post. I asked him to tell me the story again and he did so. But his story this time was that it was different than the original story. I asked him 'Why,' and he said, 'I told you that I never saw him with a hypodermic syringe. Mr. Thaw said she finally told Mr. Thaw that she could find nothing in the stories that had been told her about him."

"He said it was all right. 'You know I never lie to you,' he said."

"He said she saw Harry Thaw the night of Christmas eve, 1903, at the Madison Square theater."

"Thaw was then directed to step aside temporarily to allow the testimony of Frederick J. Longfellow, to whom Thaw's letters offered in evidence had been referred."

Mr. Gleason examined the witness.

He showed Mr. Longfellow the letters and asked if they had been received by him.

Mr. Jerome objected to the testimony unless the defense waived the right of professional privilege as between Mr. Longfellow and the defendant as a former client of the witness.

"I waive," said Mr. Jerome, "and as he was formerly counsel to Thaw, I may—"

"I withdrew the question put by my brother," said Mr. Jerome.

Thaw's Attorney Testifies.
"Were you attorney for Thaw when you received this letter?" demanded Mr. Jerome.

"Yes."

"You received it in your professional capacity?"
"I presume the letter came to me in a professional capacity," answered Mr. Longfellow.

"Have you the envelope of this letter?"
"I think not; the envelope probably was destroyed."

"You have made no search?"
"No."

"While there is doubt as to the existence of the envelope of a letter which may come by mail, no other evidence upon the point can be received," ruled Justice Fitzgerald.

"But," argued Mr. Delmas, "I have asked the witness to state from memory whether he received the letter previous to June 26, 1905."

"You may answer that," said the Judge. "Yes, two years before," said Mr. Longfellow.

On cross-examination, Mr. Jerome drew from the witness that he had refreshed his memory from a letter-book in the office.

"Was that a book having to do with professional relations with clients?"
"So altogether," said the witness.

Mr. Jerome withdrew objection to a letter which had been shown the witness for identification.

Many Long Arguments.
Arguments between the counsel took up most of the time of the afternoon session. Throughout the afternoon there was nothing startling and those who were anxious for sensations were in gloom.

Mr. Longfellow was finally allowed to say that the second letter shown him was received in November, 1903.

"It was received in a professional capacity," insisted Mr. Jerome.

"While it may have been," said the witness, "it does not follow that I carried out the instructions it contained."

Mr. Longfellow identified four of five letters and fixed their dates as prior to June 25, 1904. Mr. Jerome persisted in asking whether or not the letters came to the witness in his professional capacity. The witness said again that he presumed they did, and that he did not carry out the instructions.

"I communicated their contents to Mrs. Thaw," he said, "and that's all I ever did."

To introduce the letters Mr. Delmas recalled Mrs. Thaw and then proceeded to read the first one. It was a long letter, requiring more than fifteen minutes in the reading. The letter began:

"Dear Longfellow," and said among other things:

Thaw Ready to Fight.
"Evelyn has written me seven letters and telegrams from the background. If they wish to begin a row I am ready for it. I prefer to reach New York so as to go to Philadelphia and Pittsburg and then to Port Huron in time to meet the Lady Yarmouth, who lands on the 24th. The more row the better."

"Maybe we will be married after the Lady Yarmouth arrives, maybe after the row. Her mother don't count."

Mr. Thaw then referred to some unmarried woman, whose name was omitted, as a "trickster," "schemer," etc. Thaw referred evidently to Miss Nesbit and her mother, who spoke of them as "unfortunate" and the "blackguards who are blackmailing her."

"The matter of being married is most secret," the letter continued.

"If the suit for kidnaping is begun it must not be mentioned, but we will need two staffs of reporters. You get one staff, and I know the kind I want and will secure them when I land."

Refers to 'That Blackguard.'
The letter constantly referred to "that blackguard," and said Miss N. would give all she possessed if she could have been sent to school by me instead of him. She should never have remained on the stage so long, and if they had listened to me she would not be here. It resulted in her being falsely connected with two others besides that blackguard. Poor girl, she was poisoned when she was fifteen and three-fourths years old.

"Remember that if I die my property is all to go to my wife, but in the event of her death must go to her relatives. Her wretched mother must not receive anything. I would provide for her brother, however."

"Poor girl, if I die she may not live to be 21."

The next letter read to the jury, dated November 13, 1902, was also addressed to Mr. Longfellow. It said in part:

"Please send some one to inquire at 202 or 204, or perhaps 206 West Forty-sixth street, if Miss — is there or where a letter or phone message can reach her. I slept seven and three-fourths hours on the train, which is a record since she came home. My responsibility is gone, and I can't see what she can do for any faith, human or divine, she has. Everything that she had lost is like a glass of water in a river. I am overstrained, you see."

At this point adjournment was taken until tomorrow.

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